

## **REMARKS/ARGUMENTS**

### **Status of Claims**

Claims 1-37 were originally filed in the application to which the present case claims priority. These claims were subjected to a restriction requirement. Claims 12-18 and 26-37 have been canceled by preliminary amendment. Claims 1-11 and 19-25 have been rejected under various rejections. As outlined above, Claim 1 has been amended. Therefore, Claims 1-11 and 19-25 remain pending in this application.

The amended claim is fully supported in the specification as originally filed. In particular, a redundant limitation in Claim 1 has been canceled.

### **Rejections**

Claims 1-11 and 19-25 stand rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious in view of, Rosenfeld, US Pat. No. 6,821,270. Applicants respectfully traverse this rejection.

The present invention relates to an absorbent article comprising an absorbent body enclosed between a liquid-permeable liner sheet layer and a liquid-impermeable backsheet layer. The article has a longitudinal axis, a relatively wide anterior end and an opposite posterior end connected by side margins to define a generally triangular shape. The side margins substantially continuously converge to the posterior end, and at least one tab extends from each side margin. Each tab has at least one attachment element that is aligned oblique to the longitudinal axis of the article.

The invention also relates to absorbent article comprising an absorbent body enclosed between a liquid-permeable liner sheet layer and a liquid-impermeable backsheet layer. The article has a longitudinal axis, a relatively wide anterior end, a posterior end connected by side margins to define a generally triangular shape, and at least one tab extending from each side margin. The article is formed by a process including separating a first attachment element from a first supply of attachment material that is aligned in a machine direction, parallel to the longitudinal axis of the article; rotating the first attachment element from the machine direction to a predetermined angle

that is oblique to the machine direction; indexing the first attachment element to the absorbent article moving in the machine direction; and applying the first attachment element to the at least one tab of absorbent article.

Rosenfeld discloses a sanitary napkin for thong undergarments having an absorbent pad between a cover layer and a barrier layer. In one embodiment, the absorbent core is generally tapered from a relatively wide second distal end region to a relatively narrow opposite first distal end region. The napkin has two flaps extending laterally outward from the side edges of the central absorbent pad. These side flaps have flap adhesives covered with release liner material.

The Office Action indicates that Rosenfeld either anticipates or renders obvious all pending claims. First, the Action attempts to correlate the teaching of Rosenfeld to the pending claims, especially independent Claim 1. Then, the Action dismisses the product-by-process claim limitations in Claim 19, indicating that the “determination of patentability is based on the product itself.”

Applicants respectfully submit that anticipation requires “identity of invention.” Each and every element recited in a claim must be found in a single prior art reference and arranged as in the claim. There must be no difference between what is claimed and what is disclosed in the applied reference. Further, it is incumbent upon the Office to identify wherein each and every facet of the claimed invention is disclosed in the applied reference. In the present case, the Office Action has failed to exhibit this.

The Office Action fails to set forth where Rosenfeld discloses a relationship between the alignment of the at least one attachment element and the longitudinal axis of the product. Indeed, the figures of Rosenfeld show the flap adhesives arranged generally parallel to the longitudinal axis of the napkin. Further, Rosenfeld appears silent regarding the placement of the at least one attachment element by rotating it from the machine direction to a predetermined angle that is oblique to the machine direction and applying the attachment element to the at least one tab. While the Office appears to have ignored these limitations in the process steps, Applicants respectfully submit that these process steps clearly affect the characteristics of the resulting product. Therefore, it is inappropriate to simply ignore the process limitations.

Applicants believe that the foregoing fully addresses the rejections in the Office Action. Claims 1-11 and 19-25 are believed to be in condition for allowance. Therefore, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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